



MAYOR AND COUNCIL REGULAR MEETING NOTICE & AGENDA

The City of Tucson has a council-manager form of government. Policies are set by the Mayor and Council, who are elected by the people. Policies are carried out by the City Manager, who is appointed by the Mayor and Council. The Mayor and Council decides what is to be done; the City Manager, operating through the entire City staff, does it.

REGULAR COUNCIL MEETINGS

The Mayor and Council usually meet the first four Tuesdays of each month in the Mayor and Council Chambers, City Hall, 255 W. Alameda, Tucson, Arizona.

5:30 p.m. session [Order of business]

- Invocation and Pledge of Allegiance
- Presentations
- Summary of Current Events
- Liquor license applications
- Consent Agenda

- Call to the Audience. Individuals may speak up to three minutes. Call to the Audience will be limited to thirty minutes. Speakers may address any matter except items noticed as a Public Hearing.
- Public Hearings. Individuals may speak up to five minutes. Each public hearing is limited to one hour.
- Other Mayor and Council business as listed on the agenda for the meeting.

Copies of the agenda are available during the meeting. Additionally, the agenda, as well as reference documents, are available in the City Clerk's office prior to each meeting and on the City's web site. : www.tucsonaz.gov/agdocs

Ordinances and resolutions (the laws of Tucson) are considered during regular meetings. Those adopted with the emergency clause and the affirmative vote of five members of the Council take effect immediately. Those adopted without the emergency clause take effect thirty days after passage. Unless the Mayor or a member of the Council requests that an ordinance or resolution be read in full, it is read by number and title only. Routine items are scheduled under the heading of Consent Agenda, which allows a number of actions to occur with a single motion.

To better serve everyone in the community, the Mayor and Council chambers is wheelchair accessible. An assistive listening system for the hearing impaired is in place and closed captioning is available on cable television. A request for reasonable accommodation for persons with disabilities must be made in the City Clerk's Office at least two working days prior to the meeting and can be made by calling 791-4213 or 791-2639 (TDD).

Spanish language interpreting assistance is available during the meeting. If you need assistance, contact the Council Reporter located near the front, right side of the Chambers.

PARTICIPATION BY THE PUBLIC

As a courtesy to others, please turn off or put in vibrate mode all pagers and cell phones.

To address the Mayor and Council:

- Complete a speaker's card and deposit it in the tray on the podium. Upon being recognized, state your name, address, whether you reside in the City of Tucson and whom you represent, before proceeding. Any person who is representing people other than themselves and is receiving compensation to influence an action by the Mayor and Council, shall, before speaking, identify themselves as a "retained speaker".
- Submit written comments to the Mayor and Council (via the City Clerk) prior to and during the meeting.
- Call the Mayor and Council Citizen Comment Line at 791-4700 or write the City's Web Site, www.tucsonaz.gov/agdocs. Your comments will be transcribed and distributed to the Mayor and Council.

Persons attending the meeting shall observe rules of propriety, decorum, and good conduct, and refrain from impertinent or slanderous remarks. Violation of this rule shall result in such persons being barred from further audience before the governing body. A copy of the complete rules and regulations may be obtained from the City Clerk.

Robert E. Walkup – Mayor
Steve Leal – Vice Mayor

Council Members

José J. Ibarra **Ward 1**
Carol W. West **Ward 2**
Karin Uhlich **Ward 3**

Shirley C. Scott **Ward 4**
Steve Leal **Ward 5**
Nina J. Trasoff **Ward 6**

Revisions to the agenda can occur up to 24 hours prior to the meeting. Contact the City Clerk at 791-4213 (TDD: 791-2639), FAX: 791-4017 or WEB SITE: www.tucsonaz.gov/agdocs, 9th floor, City Hall, 255 W. Alameda for up-to-date information Monday through Friday, 8:00 a.m. to 5:00 p.m. [holidays excepted]. Live coverage of the meeting is cablecast on Tucson 12. In addition, replays of the meetings are cablecast on Tucson 12 as follows:
Wednesdays – 9:00 p.m. **Thursdays – 9:00 a.m.** **Sundays – 9:00 a.m.**
 VHS tapes of meetings are available at the Tucson Main Library, 101 N. Stone.



MAYOR & COUNCIL MEETING NOTICE & AGENDA

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the members of the Mayor and Council and to the general public that the Mayor and Council will hold the following meeting, which will be open to the public:

REGULAR MEETING

**TUESDAY, AUGUST 8, 2006 – 5:30 P.M.
MAYOR AND COUNCIL CHAMBERS
(CITY HALL, 255 WEST ALAMEDA, TUCSON, ARIZONA)**

1. ROLL CALL

2. INVOCATION AND PLEDGE OF ALLEGIANCE

INVOCATION – Chaplain, Captain Gary Coburn, Davis-Monthan Air Force Base

PLEDGE OF ALLEGIANCE – The Pledge will be led by the Arizona Chapter Order of DeMolay

PRESENTATION

- a. Proclaiming August to be “Drowning Impact Awareness Month”
- b. Proclaiming August to be “National Alcohol and Drug Addiction Recovery Month”
- c. Proclaiming August 20, 2006 to be the 231st Anniversary of the founding of the City of Tucson.

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

- a. Report from City Manager AUG8-06-396 CITY-WIDE

4. CITY MANAGER’S REPORT: SUMMARY OF CURRENT EVENTS

- a. Report from City Manager AUG8-06-397 CITY-WIDE

5. LIQUOR LICENSE APPLICATIONS

- a. Report from City Manager AUG8-06-404 CITY-WIDE
- b. Liquor License Applications

New License

- 1. Barrio Brewing Company, Ward 5
800 E. 16th St.
Applicant: Tauna Renea Arnold
Series 03, City 71-06
Action must be taken by: August 13, 2006

Staff has indicated the applicant is in compliance with city requirements.

- 2. Barrio Brewing Company, Ward 5
800 E. 16th St.
Applicant: Tauna Renea Arnold
Series 12, City 72-06
Action must be taken by: August 14, 2006

Staff has indicated the applicant is in compliance with city requirements.

- 3. M & K Market, Ward 3
4810 N. First Ave.
Applicant: Maqsood Ahmad
Series 10, City 75-06
Action must be taken by: August 21, 2006

Staff has indicated the applicant is in compliance with city requirements.

NOTE: State law provides that for a new license application, "In all proceedings before the governing body of a city...the applicant bears the burden of showing that the public convenience requires and that the best interest of the community will be substantially served by the issuance of a license". (A.R.S. Section 4-201)

Person Transfer

- 4. Albertson's #972, Ward 1
1350 N. Silverbell Rd.
Applicant: Glenn Allen Edmondson
Series 09, City 66-06
Action must be taken by: July 31, 2006

Staff has indicated the applicant is in compliance with city requirements.

5. CVS/pharmacy #9272, Ward 2
7499 E. Broadway
Applicant: Jason Barclay Morris
Series 09, City 67-06
Action must be taken by: August 3, 2006

Staff has indicated the applicant is in compliance with city requirements.

6. CVS/pharmacy #9302, Ward 2
8920 E. Tanque Verde
Applicant: Jason Barclay Morris
Series 09, City 68-06
Action must be taken by: August 3, 2006

Staff has indicated the applicant is in compliance with city requirements.

7. CVS/pharmacy #9274, Ward 6
615 N. Alvernon Way
Applicant: Jason Barclay Morris
Series 09, City 69-06
Action must be taken by: August 3, 2006

Staff has indicated the applicant is in compliance with city requirements.

8. CVS/pharmacy #9374, Ward 1
1900 W. Valencia Rd.
Applicant: Jason Barclay Morris
Series 09, City 70-06
Action must be taken by: August 3, 2006

Staff has indicated the applicant is in compliance with city requirements.

9. CVS/pharmacy #9207, Ward 3
865 E. Grant Rd.
Applicant: Jason Barclay Morris
Series 09, City 73-06
Action must be taken by: July 31, 2006

PUBLIC OPINION: PROTEST FILED

Staff has indicated the applicant is in compliance with city requirements.

10. CVS/pharmacy #9336, Ward 4
7901 E. Golf Links Rd.
Applicant: Jason Barclay Morris
Series 09, City 74-06
Action must be taken by: August 11, 2006

Staff has indicated the applicant is in compliance with city requirements.

11. CVS/pharmacy #9215, Ward 1
3754 S. 16th
Applicant: Jason Barclay Morris
Series 09, City 76-06
Action must be taken by: August 19, 2006

Staff has indicated the applicant is in compliance with city requirements.

12. Speedway Liquor & Food Mart, Ward 1
1310 W. Speedway Blvd.
Applicant: Laila Innabi
Series 09, City 77-06
Action must be taken by: August 28, 2006

Staff has indicated the applicant is in compliance with city requirements.

13. Diamond R Food Mart, Ward 3
402 E. Prince Rd.
Applicant: Youssef Antoine Bitar
Series 09, City 78-06
Action must be taken by: August 28, 2006

Staff has indicated the applicant is in compliance with city requirements.

NOTE: State law provides that for a person to person transfer, Mayor and Council may consider the applicant's capability, qualifications and reliability. (A.R.S. Section 4-203)

Person/Location Transfer

14. Chopped, Ward 3
4205 N. Campbell Ave. Suite 135
Applicant: Paolo Robert DeFilippis
Series 07, City 79-06
Action must be taken by: August 31, 2006

Staff has indicated the applicant is in compliance with city requirements.

NOTE: State law provides that for a person and location transfer, Mayor and Council may consider both the applicant's capability, qualifications, reliability and location issues. (A.R.S. Section 4-203; R19-1-102)

c. Special Event

1. Tucson Breakfast Lions Club, Ward 5
4823 S. 6th Ave.
Applicant: Wayne Francis Locke
City T33-06
Date of Event: September 2 & 3, 2006
Fundraiser

PUBLIC OPINION: SUPPORT FILED

Staff has indicated the applicant is in compliance with city requirements.

2. Comité de Festividades Mexicanas, Ward 1
3700 S. La Cholla Blvd.
Applicant: Mercedes M. Guerrero
City T34-06
Date of Event: September 16 & 17, 2006
Civic Event

Staff has indicated the applicant is in compliance with city requirements.

3. Kingdom Investment Foundation of Tucson, Ward 6
446 N. Campbell
Applicant: Steven James Nissen
City T38-06
Date of Event: September 2, 2006
U of A Home Football Game Tailgate Party

Development Services Department has indicated the applicant is not in compliance with city requirements.

d. Agent Change

1. Wildcat Market & Liquor, Ward 3
3996 N. 1st Ave.
Applicant: Maria Eleonor Tadios Gupta
Series 09, City AC17-06
Action must be taken by: August 17, 2006

Staff has indicated the applicant is in compliance with city requirements.

Agent Change/Acquisition of Control

2. Beverage Store, Ward 5
1866 S. Country Club Rd.
Applicant: Khaled Muhammad Duqmaq
Series 09, City AC18-06
Action must be taken by: August 21, 2006

Staff has indicated the applicant is in compliance with city requirements.

NOTE: The local governing body of the city, town or county may protest the acquisition of control within sixty days based on the capability, reliability and qualification of the person acquiring control. (A.R.S. Section 4-203.F)

6. CONSENT AGENDA – ITEMS A THROUGH MM

FOR COMPLETE DESCRIPTION OF ITEMS
SEE ATTACHED CONSENT AGENDA

Matters listed under the Consent Agenda are considered to be routine and will be enacted by one motion and one vote. There will be no separate discussion of these items. If discussion is desired by members of the governing body, that item will be removed from the Consent Agenda and will be considered separately.

7. CALL TO THE AUDIENCE

At this time, any member of the public is allowed to address the Mayor and City Council on any issue except for items scheduled for a public hearing at the meeting. Speakers are limited to three minute presentations. Speakers must state their name, address, whether they reside in the City of Tucson, whom they represent, and the subject matter. Any person who is representing a person other than themselves and is receiving compensation to influence an action by the Mayor and Council, shall, before speaking, identify themselves as a “retained speaker”. Pursuant to the Arizona Open Meeting Law, individual Council Members may ask the City Manager to review the matter, ask that the matter be placed on a future agenda, or respond to criticism made by speakers. However, the Mayor and Council may not discuss or take legal action on matters raised during "call to the audience".

8. PUBLIC HEARING: CHANGE OF PROJECT SCOPE – ARROYO CHICO WASH IMPROVEMENTS

- a. Report from City Manager AUG8-06-410 WARD 6
- b. Hearing: on a request by the City of Tucson for the Pima County Board of Supervisors to modify the Arroyo Chico Wash Improvements Project and amend the 2004 Pima County Bond Implementation Ordinance. The City requests a change to the scope of the project to reflect the addition of land acquisition for the project. The overall cost of the project has not changed.
- c. Resolution No. 20410 relating to parks; requesting the Pima County Board of Supervisors modify the Arroyo Chico Wash Improvements Project contained in the 2004 Pima County General Obligation Bond Program; and declaring an emergency.

9. PUBLIC HEARING: ZONING (C9-01-14) KOLT – FIRST AVENUE, R-2 TO O-2 AND C-1, REQUEST FOR TIME EXTENSION

- a. Report from City Manager AUG8-06-418 WARD 3
- b. Hearing: on a request for a five-year time extension for the completion of the rezoning conditions for the property located on the southwest corner of First Avenue and Limberlost Drive. Applicant: Raul Reyes of Town West, on behalf of the property owner, Richard Kolt. The preliminary development plan proposes a financial service of 10,000 square feet on the north 1.5 acres and an office building of 14,000 square feet on the southern 1.5 acres.

The original five-year authorization expires on September 17, 2006. A public hearing is required because the request, if approved, will extend the time for completion of rezoning conditions more than five (5) years from the date of the last public hearing.

Staff recommends the approval of the requested five-year time extension from September 17, 2006, to September 17, 2011, subject to compliance with the following revised conditions of rezoning:

The following recommended conditions are based on the existing conditions authorized by Mayor and Council on September 17, 2001 and new conditions recommended by staff. Within the recommended conditions, new text is underlined.

1. A development plan, in substantial compliance with 1) the revised preliminary development plan dated July 25, 2001, 2) the perimeter wall plan dated August 20, 2001, and 3) the Design Compatibility Report, is to be submitted and approved in accordance with Section 5.3.8 of the *LUC*, including, but not limited to:

- a. A masonry wall at least five (5) feet high along Calle Arizona.
 - b. A masonry wall at least six (6) feet high along all property lines adjacent to residential zoning or uses.
 - c. A landscape strip at least fifteen (15) feet wide along all property lines adjacent to residential zoning or uses.
 - d. Vehicular access from First Avenue and Limberlost Drive with none from Calle Arizona.
 - e. Dumpster spaces shall be located at least fifty (50) feet from residentially zoned or developed property and enclosed with masonry walls.
 - f. Loading zones shall be located sensitively and in no case less than 25 feet from residentially zoned or developed property.
2. The owner/developer shall dedicate right-of-way, per the *Major Streets and Routes Plan* including intersection widening, along First Avenue and Limberlost Drive, as required.
 3. The owner/developer shall dedicate a 25-foot radius spandrel at the southwest corner of the intersection of First Avenue and Limberlost Drive.
 4. The owner/developer shall dedicate a 25-foot spandrel at the northwest corner of the intersection of First Avenue and Calle Arizona.
 5. A continuous southbound right turn lane, including appropriate transitions, shall be installed along the First Avenue frontage of the rezoning site.
 6. An eastbound to southbound right turn lane, including appropriate transitions, shall be installed along the Limberlost Drive frontage of the rezoning site.
 7. The owner/developer shall modify the traffic signal at the intersection of First Avenue and Limberlost Drive to accommodate the new right turn lane on Limberlost Drive.
 8. Curb and six-foot wide sidewalks shall be installed along the First Avenue, Limberlost Drive frontages of the rezoning site. Curb and four-foot wide sidewalks shall be installed along the Calle Arizona frontage. The curb and sidewalk along the First Avenue frontage shall be located per the typical *Major Streets and Routes* cross sections.

9. The southernmost access driveway shall be a minimum of 230 feet north of the centerline of Calle Arizona.
10. A detailed hydrology and hydraulics report addressing all onsite and offsite runoff shall be submitted and approved. Both detention and 5-year threshold retention storage is required for this site. The threshold retention shall be provided onsite. Drainage leaving the site shall not be increased.
 - a. Each detention/retention basin shall include a sediment trap, or other sediment control measures as approved by the City Engineer, to prevent sedimentation of the detention/retention basin. Each sediment trap, or other sediment control measure, shall have a provision for total drainage.
 - b. Detention/retention basin floors shall be graded to drain either toward the outlet structure or other logical point. Basin floors shall not be flat.
 - c. Detention/retention basins shall be located adjacent to a street, PAAL or accessible common area. Basin side slopes in the adjacent area(s) shall be designed and constructed in accordance with the requirements of the Detention/Retention Manual for human activity zones.
 - d. Rectangular basin shapes shall be avoided unless necessitated by recreational or visual amenities within the basin.
 - e. Vegetation shall be used as screening and/or security barrier for a minimum of ten percent of the basin perimeter.
11. Cross access and parking agreements between the two parcels shall be recorded.
12. Deliveries shall be made no earlier than 6:00 a.m. and no later than 5:00 p.m.
13. Any required or proposed masonry screen walls shall be constructed of, or painted with, graffiti-resistant materials. These screen walls shall incorporate one of the following decorative materials: (a) tile, (b) stone, (c) brick, (d) textured brick/block, (e) a coarse-textured material such as stucco or plaster, or (f) a combination of the above materials.
14. Any continuous wall greater than 75 feet in length and 3 feet in height visible from the public right-of-way shall vary the wall alignment (jog, curve, notch, or setback, etc.) and include trees or shrubs in the voids created by the variations.
15. All outdoor pole and building lighting shall be directed down and away from residential parcels and public roadways and not exceed sixteen (16) feet in height measured to the light source.

16. A unified landscape plan shall be designed for the site as a whole. It shall include perimeter yard trees spaced at intervals of no greater than twenty-five (25) feet.
17. All sides of the proposed structures shall have the same level of architectural detail. Both structures shall demonstrate consistent design treatment, including unified color schemes and architectural detailing. The rooflines shall be designed to screen rooftop equipment.
18. Signage shall be designed to be consistent with the proposed structures and landscaping.
19. If archaeological features are found during project construction, testing and data recovery will be completed as needed. Copies of testing plans, testing reports, data recovery plans and final reports shall be submitted to and approved by the City Historic Preservation Office prior to construction work commencing. If, during construction, human remains and associated burial items are discovered, ground disturbing activities in the vicinity of the discovery will cease, the discovery site will be secured, and the Arizona State Museum will be immediately notified as required under A. R. S.41-865.
20. “Safe by Design” concepts shall be incorporated in the development plan for review by the Tucson Police Department.
21. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
22. Five years are allowed in which to comply with all Code requirements and conditions of rezoning.
23. The site access points shall comply with the Transportation Access Management Policy.

No approvals and no protests have been received.

A simple majority vote will be necessary to adopt an ordinance rezoning the subject property once the conditions of rezoning are met.

10. PUBLIC HEARING: AMENDING TUCSON CODE (CHAPTER 26) RELATING TO FLOODPLAIN AND EROSION HAZARD REGULATIONS

- a. Report from City Manager AUG8-06-437 CITY-WIDE
- b. Hearing on amendments to the Tucson Code, Chapter 26, floodplain, stormwater, and erosion hazard management to maintain conformance with state and federal regulations.
- c. Ordinance No. 10311 relating to floodplains; amending the Tucson Code, Chapter 26, floodplain, stormwater, and erosion hazard management, Article 1. In general, Division 1. Floodplain and erosion hazard area regulations, Sec. 26-1.1 Authority, Sec. 26-1.3 Basis for establishing special flood hazard areas, Sec. 26-2 Definitions, Sec. 26-3 Floodplain boundaries, elevations, Sec. 26-5.2 Floodway fringe development, Sec. 26-5.3 Special flood hazard areas, Sec. 26-11.3 Penalties, violations, unlawful acts, classifications, Sec. 26-11.4 Declaration of public nuisance; abatement, and Sec. 26-12 Appeals and variances; and declaring an emergency.

11. ZONING: (C9-05-25) ALTSCHUL – BELLEVUE STREET, R-1 TO P, CITY MANAGER’S REPORT

- a. Report from City Manager AUG8-06-399 WARD 6
- b. Report from Zoning Examiner dated June 30, 2006
- c. Request to rezone approximately 0.85 acres from R-1 (Urban Low-density Residential) to P (Parking) zoning. Applicant: Joaquin Rincon of Civil Works, on behalf of the property owners, Jeffrey and Deborah Altschul.

The rezoning site is located approximately 300 feet north of Speedway Boulevard, on the west side of the Alamo Avenue Alignment.

The *Arcadia-Alamo Area Plan* and the *General Plan* provide land use policy direction for this area. Policies in the *Arcadia-Alamo Area Plan* recommend preservation and protection of the integrity of established neighborhoods, protection and enhancement of the vegetation and open space along the Alamo Wash, and identify appropriate locations for new development. The Alamo Wash is located adjacent to the rezoning site and compliance with the Watercourse Amenity Safety and Habitat (WASH) Ordinance is required. The site is land-locked, triangularly shaped parcel north of an existing business located at 6099 E. Speedway Boulevard. The applicant proposes to rezone from R-1 to P and pave a new vehicle parking lot, which will provide 36 motor vehicle parking spaces for the existing office use located south of the rezoning site. The P zone provides for off-street motor vehicle parking within residential areas to serve land uses in another zone. Access to the parking lot will be from Speedway

Boulevard, identifies as an arterial roadway with future right-of-way of 120 feet on the *Major Streets and Routes Plan* map.

The Zoning Examiner held a public hearing on June 15, 2006, on behalf of the Mayor and Council. The Zoning Examiner recommends authorization of P zoning.

Staff recommends authorization of P zoning subject to the recommended conditions.

1. A development plan in substantial compliance with the preliminary development plan dated December 22, 2005, and the Design Compatibility Report, is to be submitted and approved in accordance with Section 5.3.8. of the *Land Use Code*.
2. The owner/developer shall dedicate right-of-way along the Speedway Boulevard street frontage to a line 60 feet north of and parallel with the centerline of construction as shown on the *Major Streets and Routes Plan (MS&R)* map.
3. Unless Alamo Avenue is vacated by the City, the owner/developer shall dedicate an 18-foot radius spandrel at the northwest corner of Alamo Avenue and Speedway Boulevard. The owner/developer shall record an Irrevocable Offer to Dedicate for that portion of the building that will be located within the future radius spandrel.
4. The owner/developer shall be required to construct a segment of the Alamo Wash Trail along the west side of the Alamo Wash within a dedicated, publicly-accessible corridor. The trail shall be located outside the resource area. The corridor shall be a minimum 12 feet wide and extend for the length of the Alamo Wash where it crosses the rezoning site. The corridor shall be landscaped with native trees and be provided with a graffiti resistant three-foot high decorative masonry wall and five-foot high wrought iron view wall on top.
5. The eight (8) foot wide trail shall be constructed to the following specifications: a minimum two (2) inches thickness of decomposed granite compacted to 95% over native subgrade compacted to 95%. The trail shall be protected from wash flows, erosion, slope wash downs, and drainage from adjacent street and property. Drainage shall be diverted away from the trail to designed culverts or pipe drainage under the trail. Appropriate curb cuts, ramps, and trail slopes for accessibility shall be provided. Trail improvements shall be constructed according to City and County standards

6. Each detention/retention basin shall include a sediment trap, or other sediment control measures as approved by the City Engineer, to prevent sedimentation of the detention/retention basin. Each sediment trap, or other sediment control measure, shall have a provision for total drainage.
7. Detention/retention basin floors shall be graded to drain either toward the outlet structure or other logical point. Basin floors shall not be flat.
8. Detention/retention basins in or adjacent to the residential area shall be located adjacent to a street or accessible common area. Basin sideslopes in the adjacent area(s) shall be designed and constructed in accordance with the requirements of the Detention/Retention Manual for human activity zones.
9. All detention/retention basins shall be designed with minimum ten-foot radius curves and with slopes no steeper than 4:1.
10. Vegetation shall be used as screening and/or security barrier for a minimum of ten percent of the basin perimeter.
11. All security barriers and screening for detention/retention basins shall meet Safe by Design guidelines. The owner/developer shall obtain a Floodplain Use Permit.
12. All access to the site shall be from an arterial street.
13. Four (4) inch or less fence block shall not be used for perimeter walls.
14. An archaeological assessment and survey shall be performed by a qualified archaeologist before any grading or other ground modification takes place. If cultural features or remains are found, testing and data recovery shall be completed as needed. Copies of testing plans, testing reports, data recovery plans and final reports shall be submitted to and approved by the City Historic Preservation Office prior to construction work commencing. If, during construction, human remains and/or associated burial items are discovered, ground disturbing activities in the vicinity of the discovery will cease, the discovery site will be secured, and the Arizona State Museum will be immediately notified as required under A. R. S. 41-865.
15. All outdoor pole and building lighting shall be full cut-off lighting - directed down and away from residential parcels and public roadways.
16. "Safe by Design" concepts shall be incorporated in the subdivision plat for review by the Tucson Police Department.

17. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
18. Five years are allowed from the date of initial authorization to implement and effectuate all Code requirements and conditions of rezoning.

Zero (0) written approvals and zero (0) written protests were received prior to the Zoning Examiner's public hearing on June 15, 2006, representing a zero percent protest by area in all directions.

A simple majority vote will be necessary to adopt an ordinance rezoning the subject property once the conditions of rezoning are met.

12. ZONING: (C9-89-20) ESTES – VALENCIA ROAD, O-3 TO C-1, CHANGE OF CONDITION AND PRELIMINARY DEVELOPMENT PLAN, ORDINANCE ADOPTION

- a. Report from City Manager AUG8-06-421 WARD 1
- b. This is a request for a change of condition and preliminary development plan for property located north of the northwest corner of Valencia Road and Commerce Court Road. Applicant: Tony Tsang of A.C. Tsang Engineering Group, Inc., on behalf of the property owner, Midvale-Valencia LLC Investors. The rezoning site currently consists of an existing self-storage facility and vacant land. The applicant is proposing a change to the condition that requires a 50-foot building setback from the north property line of the rezoning site. The applicant is proposing to construct a 10-foot high self-storage building located near the northeast corner of the rezoning site.

Staff recommends approval of the requested change of condition and preliminary development plan subject to the conditions provided in the ordinance.

- c. Ordinance No. 10307 relating to zoning: amending rezoning conditions in the area located at the northwest corner of Valencia Road and Commerce Court Road in Case C9-89-20 (RZ06-61) Estes – Valencia Road, O-3 to C-1; and declaring an emergency.

13. ZONING: (C9-06-12) FOWLER-WOODLAND ROAD, SR TO RX-1, CITY MANAGER'S REPORT AND ORDINANCE ADOPTION

- a. Report from City Manager AUG8-06-422 WARD 2
- b. Report from Zoning Examiner dated July 14, 2006
- c. Request to rezone approximately 3.3 acres from SR (Suburban Ranch) to RX-1 (Suburban, Low-density, Single-family Residential) zoning. Applicant: Megan Johnson of The Planning Center, on behalf of the property owners, Al and Margaret Fowler.

The rezoning site is located on Woodland Road, south of Tanque Verde Road and north of Tanque Verde Creek. The property owner proposes to split an existing 3.3-acre parcel into two sites. The northern parcel would be one acre in size and the property owner proposes to construct a new 2,000 square foot single-family residence on the lot. The existing residence on the 2.3-acre parcel would remain.

The Zoning Examiner recommends authorization of the RX-1 zoning. Staff recommends authorization of RX-1 zoning and adoption of the proposed rezoning ordinance subject to the following conditions:

1. A site plan in substantial compliance with the preliminary development plan dated April 19, 2006, and the Design Compatibility Report, is to be submitted and approved in accordance with Section 5.3.8. of the *Land Use Code*.
2. No development shall occur in the regulatory floodway.
3. All-weather access shall be demonstrated outside of the regulatory floodway and erosion hazard setback for any parcels created from the parent parcel, including any remnants of the parent parcel.
4. The new residence and any accessory structures shall be architecturally compatible with existing buildings in the area.
5. New structures shall be constructed of and/or painted predominately earth-tone colors.
6. All new structures shall be located on the site to prevent removal of healthy, native trees and healthy shrubs.
7. All new vegetation planted on the site shall be native.

8. All walls visible from a public right-of-way and/or adjacent to existing residential development, are to be graffiti-resistant and incorporated one (1) or more visually appealing design treatments, such as the use of two (2) or more decorative materials like stucco, tile, stone, or brick; a visually interesting design on the wall surface; varied wall alignments, (jog, curve, notch, setback, etc.); and/or trees and shrubs in voids created by the wall variations.
9. Four-inch-wide or less block shall not be used for perimeter walls.
10. Historic or prehistoric features or artifacts discovered during future ground disturbing activities should be reported to the City of Tucson Archaeologist. Pursuant to A.R.S. 41-865 the discovery of human remains and associated objects found on private lands in Arizona must be reported to the Director of Arizona State Museum.
11. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the development shall be at no expense to the public.
12. Five years are allowed from the date of initial authorization to implement and effectuate all Code requirements and conditions of rezoning.

One (1) written approval and zero (0) written protests were received prior to the Zoning Examiner's public hearing on June 29, 2006. The written approval is within the 150 foot area.

- d. Ordinance No. 10308 relating to zoning: amending zoning district boundaries in the area located on Woodland Road, south of Tanque Verde Road and north of Tanque Verde Creek in Case C9-06-12, Fowler-Woodland Road, SR to RX-1; and setting an effective date.

A simple majority vote will be necessary to adopt the ordinance as presented.

14. ZONING: (C9-06-11) GOLDMAN – 25TH STREET, R-1 TO P, CITY MANAGER'S REPORT

- a. Report from City Manager AUG8-06-419 WARD 5
- b. Report from Zoning Examiner dated July 14, 2006
- c. Request to rezone approximately 0.41 acres from R-1 (Urban Low-density Residential) to P (Parking) zoning. Applicant: Don Laidlaw, on behalf of the property owner, The Goldman Family.

The rezoning site is located on the northeast corner of Winstel Avenue and 25th Street.

The *Arroyo Chico Area Plan* and the *General Plan* provide policy direction for this area. Policies in the *Plans* support the expansion of commercial uses into adjoining residential areas if a logical boundary can be established, and screening and buffering of adjacent residential uses can be accomplished. *Plan* policy also encourages locating parking at the side or rear of commercial buildings. Development of commercial uses is encouraged if the use is compatible with adjacent residential uses and if access can be provided from an arterial street. The rezoning site is an existing residentially zoned parcel located adjacent to a donut shop and printing establishment. The site is currently used for storage of landscape materials. The applicant proposes to construct 44 additional parking spaces for a future commercial use. Vehicular access to the rezoning site is proposed from Alvernon Way identified as Gateway Route with a future right-of-way of 120 feet on the *Major Streets and Routes Plan* map. The preliminary development plan (PDP) shows a left-turn-only exit onto 25th Street, a local street.

The Zoning Examiner and Development Services Department recommend authorization of P zoning. Should the Mayor and Council choose to approve the rezoning request, it is recommended that the following conditions be included:

1. A development plan in substantial compliance with the preliminary development plan dated April 13, 2006, the Design Compatibility Report, is to be submitted and approved in accordance with Section 5.3.8. of the *Land Use Code*.
2. The owner/developer shall dedicate or verify the existence of right-of-way as required by the *Major Streets and Routes Plan* along the Alvernon Way street frontage and provide the location of the future right-of-way line on the development plan.
3. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
4. Vehicular access to 25th Street shall be limited to a left-turn only.
5. Signage shall be posted at the site egress point indicating left-turn only directing traffic to Alvernon Way.
6. The owner/developer shall dedicate a 30-foot radius spandrel at the intersection of Alvernon Way and 25th Street.
7. The owner/developer shall dedicate a 25-foot radius spandrel at the intersection of 25th Street and Winstel Avenue.

8. All unused curb cuts shall be closed.
9. Use of the loading zone shall be limited to the hours between 6 AM and 8 PM.
10. All walls visible from a public right-of-way and/or adjacent to existing residential development, are to be graffiti-resistant and incorporate one (1) or more visually appealing design treatments, such as the use of two (2) or more decorative materials like stucco, tile, stone, or brick; a visually interesting design on the wall surface; varied wall alignments, (jog, curve, notch, setback, etc.); and/or trees and shrubs in voids created by the wall variations.
11. Fence block measuring four inches or less shall not be used for perimeter walls.
12. An archaeological assessment and survey shall be performed by a qualified archaeologist before any grading or other ground modification takes place. If cultural features or remains are found, testing and data recovery shall be completed as needed. Copies of testing plans, testing reports, data recovery plans and final reports shall be submitted to and approved by the City Historic Preservation Office prior to construction work commencing. If, during construction, human remains and/or associated burial items are discovered, ground disturbing activities in the vicinity of the discovery will cease, the discovery site will be secured, and the Arizona State Museum will be immediately notified as required under A. R. S. 41-865.
13. All outdoor pole and building lighting shall be full cut-off lighting - directed down and away from residential parcels and public roadways.
14. "Safe by Design" concepts shall be incorporated in the subdivision plat for review by the Tucson Police Department.
15. Five years are allowed from the date of initial authorization to implement and effectuate all Code requirements and conditions of rezoning.

Zero (0) written approvals and zero (0) written protests were received prior to the Zoning Examiner's public hearing on June 29, 2006.

A simple majority vote will be necessary to adopt an ordinance rezoning the subject property once the conditions of rezoning are met.

15. CITY MAGISTRATES: APPOINTMENT OF MICHAEL LEX AS A CITY MAGISTRATE

- a. Report from City Manager AUG8-06-392 CITY-WIDE
- b. Ordinance No. 10309 relating to City Magistrates; appointing Michael Lex as City Magistrate of the City of Tucson; fixing compensation; and declaring an emergency.

16. REAL PROPERTY: FIRST AMENDMENT TO THE DEVELOPMENT AGREEMENT WITH PATHWAY HOLDINGS, LLC FOR THE SILVERBELL RESIDENTIAL SUBDIVISION

- a. Report from City Manager AUG8-06-429 WARD 1
- b. Resolution No. 20427 relating to real estate; authorizing and approving the execution of an amended Development Agreement between the City of Tucson and Pathway Holdings, L.L.C. for the construction of the Silverbell Residential Subdivision located at Silverbell Road and Goret Road; and declaring an emergency.

17. APPEAL: (S-06-07) APPEAL OF THE SIGN CODE ADVISORY AND APPEALS BOARD DECISION - HOUGHTON ROAD COMMERCIAL CENTER (CITY APPEAL NO. S-06-001)

- a. Report from City Manager AUG8-06-432 WARD 4
- b. Applicant/Appellant: Steve Koch, of M.E.F. Co., Inc., representing the applicant, the M.E.F. Company & Fidelity National Title TR 60192, Houghton Road Commercial Center.

This is an appeal of a decision of the Sign Code Advisory and Appeals Board to deny a request for sign area variance to Houghton Road Commercial Center. The applicant/appellant requests the decision be reversed and that the submitted variance which would allow lot 2 of the development 1.9 square feet of sign area per foot of frontage, lots 3 and 4 of the development 1.25 square feet of sign area per foot of frontage and also allow tenants on lots 2, 3, and 4 in the development to have 1.25 square feet of sign area per foot of tenant frontage be granted.

The applicant is appealing the Board's decision to the Mayor and Council.

Staff recommends that the Mayor and Council consider the merits of the appeal and vote to uphold, reverse or modify the decision of the Board.

18. MAYOR AND COUNCIL: SELECTION OF A VICE-MAYOR

- a. Report from City Manager AUG8-06-439 CITY-WIDE
- b. Resolution No. 20430 relating to the Vice-Mayor of the Mayor and Council; selecting a Vice-Mayor.

19. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

- a. Report from City Manager AUG8-06-398 CITY-WIDE

20. ADJOURNMENT

The next regularly scheduled meeting of the Mayor and Council will be held on Wednesday, September 6, 2006, at 5:30 p.m. in the Mayor and Council Chambers, City Hall, 255 West Alameda, Tucson, Arizona.